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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, JANUARY 18, 2006**

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Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE SENATE

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TENTH CALENDAR DAY  
SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 18, 2006

The Senate met in regular session at 8:37 a.m., President Lamberti presiding.

Prayer was offered by Chaplain Tom Lovig of the Marketplace Ministries. He was the guest of Senator Ward.

The Journal of Tuesday, January 17, 2006, was approved.

### SPECIAL GUEST

Senator Beall introduced Malaysian national parliamentarian Nur Jazlan Mohamed, who addressed the Senate with brief remarks. Senator Beall presented Mr. Mohamed with a certificate recognizing him as a distinguished guest of Iowa.

The Senate rose and expressed its welcome.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 8:44 a.m. until 1:00 p.m.

**APPENDIX — 1****REPORTS OF COMMITTEE MEETINGS****RULES AND ADMINISTRATION**

**Convened:** January 18, 2006, 8:45 a.m.

**Members Present:** Gronstal and Iverson, Co-chairs; Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

**Members Absent:** Angelo and Boettger (both excused).

**Committee Business:** Approved SRs 102 and 103 and [SSB 3001](#).

**Adjourned:** 8:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 18, 2006, 10:00 a.m.

**Members Present:** Putney and Stewart, Co-chairs; Dvorsky, Mulder, and Zieman.

**Members Absent:** McCoy (excused).

**Committee Business:** Presentation by Department of Management Director Michael Tramontina.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 18, 2006, 9:55 a.m.

**Members Present:** Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

**Members Absent:** None.

**Committee Business:** Presentation by Tina Hoffman, deputy director for the Department of Economic Development.

**Adjourned:** 10:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 18, 2006, 10:00 a.m.

**Members Present:** Kettering and Warnstadt, Co-chairs; Beall, Dearden, and Zaun.

**Members Absent:** Angelo (excused).

**Committee Business:** Presentations by LSA staff on the FY 2007 Transportation and Infrastructure budget and Transportation, Infrastructure, and Capitals Buying Team.

**Adjourned:** 10:45 a.m.

## INTRODUCTION OF BILLS

[Senate File 2037](#), by Miller, a bill for an act exempting military duty compensation, benefits, allowances, and retirement pay received from the federal government by members of the armed forces from the individual income tax and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2038](#), by Lamberti, a bill for an act relating to an additional homestead credit for disabled veterans and including an effective date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2039](#), by Ward and Warnstadt, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for treatment of certain inborn errors of metabolism with a dietary restriction.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 2040](#), by Miller, a bill for an act relating to a long-term care insurance tax credit under the individual income tax and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2041](#), by Lamberti, a bill for an act relating to the increases in the amount of the military service tax credit and

exemption and the reimbursement amount and including an applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2042](#), by Tinsman, a bill for an act requiring the department of education and the area education agencies to facilitate meetings to discuss the implementation of graduation competency examinations.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 2043](#), by Schoenjahn, a bill for an act concerning limitations on business interests for spouses of persons engaged in the business of manufacturing, bottling, or wholesaling alcohol.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 2044](#), by Tinsman, Johnson, Putney, Ward, Boettger, Miller, Gaskill, Zieman, Behn, Iverson, Lamberti, McKibben, McKinley, Hahn, Kettering, and Brunkhorst, a bill for an act phasing out the state income tax on social security benefits and on pension and retirement income and including effective and applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2045](#), by Warnstadt, a bill for an act relating to the establishment of small business development centers and making appropriations.

Read first time under Rule 28 and referred to committee on **Appropriations**.

## FINAL COMMITTEE REPORTS OF BILL ACTION

### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 102](#), a resolution honoring the life and accomplishments of Hugh Sidey.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Gronstal, Iverson, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 2: Angelo and Boettger.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** [SENATE RESOLUTION 103](#), a resolution requesting that the United States Postal Service retain the area mail processing center in Sioux City, Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Gronstal, Iverson, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 2: Angelo and Boettger.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., President Lamberti presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 18, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2080**, a bill for an act revising and making appropriations involving veterans programs for the fiscal year beginning July 1, 2005, and providing an effective date.

Read first time and attached to **companion Senate File 2036**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, for the day, on request of Senator Ward.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate Resolution 103**.

**Senate Resolution 103**

On motion of Senator Warnstadt, **Senate Resolution 103**, a resolution requesting that the United States Postal Service retain the area mail processing center in Sioux City, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of **Senate Resolution 103**, which motion prevailed by a voice vote.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2036](#).

**[Senate File 2036](#)**

On motion of Senator Angelo, [Senate File 2036](#), a bill for an act revising and making appropriations involving veterans programs for the fiscal year beginning July 1, 2005, and providing an effective date, was taken up for consideration.

Senator Angelo asked and received unanimous consent that [House File 2080](#) be substituted for [Senate File 2036](#).

**[House File 2080](#)**

On motion of Senator Angelo, [House File 2080](#), a bill for an act revising and making appropriations involving veterans programs for the fiscal year beginning July 1, 2005, and providing an effective date, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2080](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Angelo asked and received unanimous consent that [Senate File 2036](#) be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2080](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:29 p.m. until 8:30 a.m., Thursday, January 19, 2006.

**APPENDIX — 2****CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Argall and Shirley Jackson, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (1/18/06).

Nevada Optimist Club, Nevada—For receiving its charter. Senator McKibben (1/18/06).

Mr. and Mrs. Glen and Dee Porter, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (1/18/06).

Dwain Sams, Mediapolis—For celebrating your 80th birthday. Senator Courtney (1/18/06).

Mr. and Mrs. Ronald and Genevieve Schares, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (1/18/06).

Marjorie R. Young, Burlington—For celebrating your 90th birthday. Senator Courtney (1/18/06).

**AGENCY ICN REPORTS**

Iowa Communications Network (ICN) usage reports for FY 2005, pursuant to Iowa Code section 8D.10, were received from the following agencies and are on file in the Legislative Services Agency:

BOARD OF PAROLE – Report received on January 18, 2006.

DEPARTMENT OF TRANSPORTATION – Report received on January 18, 2006.

**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

**Convened:** January 18, 2006, 2:30 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

**Members Absent:** None.

**Committee Business:** Presentation on Iowa Pandemic Emergency Planning and Response.

**Adjourned:** 3:35 p.m.

**WAYS AND MEANS**

**Convened:** January 18, 2006, 3:35 p.m.

**Members Present:** Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

**Members Absent:** Larson, McCoy, and McKibben (all excused).

**Committee Business:** Approved Governor's appointments and assigned subcommittees.

**Adjourned:** 4:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 18, 2006, 10:05 a.m.

**Members Present:** Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Natural Resources.

**Adjourned:** 10:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 18, 2006, 9:55 a.m.

**Members Present:** Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

**Members Absent:** Larson (excused).

**Committee Business:** Presentation by Department of Public Safety Commissioner Kevin Techau.

**Adjourned:** 10:40 a.m.

**INTRODUCTION OF RESOLUTION**

**[Senate Concurrent Resolution 101](#)**, by committee on Rules and Administration, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Read first time under Rule 28 and **placed on calendar**.

## INTRODUCTION OF BILL

**Senate File 2046**, by Brunkhorst, Johnson, Kettering, Iverson, Behn, Zieman, Gaskill, Miller, Boettger, Mulder, Ward, Seymour, Putney, Tinsman, Hahn, Wieck, McKinley, Larson, Houser, and Lamberti, a bill for an act relating to eminent domain authority and condemnation and including effective date and applicability date provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

## STUDY BILLS RECEIVED

**SSB 3016 Appropriations**

Relating to the medical assistance provider payment adjustments, providing for transfer, appropriation, and deposit of funds, providing an effective date, and providing for retroactive applicability.

**SSB 3017 Agriculture**

Relating to confinement feeding operations by providing for manure management plans.

**SSB 3018 Appropriations**

Relating to the Honey creek premier destination park bond program.

**SSB 3019 Judiciary**

Relating to offenses against identity, requiring notice of a breach of security of computer data containing personal information, and providing a procedure to secure credit information, and providing a penalty.

**SSB 3020 Judiciary**

Relating to landlord liens associated with agricultural production.

**SSB 3021 Education**

Relating to board of educational examiner teacher licensure, endorsement, and testing requirements for applicants from other states.

**SSB 3022 Commerce**

Relating to the prepayment of agricultural loans secured by a real estate mortgage.

**SUBCOMMITTEE ASSIGNMENTS**

**[Senate File 6](#)**  
(Reassignment)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Larson and Schoenjahn

**[Senate File 2004](#)**

COMMERCE: Angelo and Bolkcom, Co-chairs; Courtney and McKinley

**[Senate File 2020](#)**

JUDICIARY: Brunkhorst and Quirnbach, Co-chairs; Hancock and Larson

**[Senate File 2024](#)**

COMMERCE: Kettering and Stewart, Co-chairs; Behn and Rielly

**[Senate File 2027](#)**

JUDICIARY: Kreiman and Tinsman, Co-chairs; Boettger and Warnstadt

**[Senate File 2028](#)**

JUDICIARY: Warnstadt and Zaun, Co-chairs; Larson and Schoenjahn

**[Senate File 2029](#)**

JUDICIARY: Kreiman and McKibben, Co-chairs; Miller and Quirnbach

**[Senate File 2032](#)**

JUDICIARY: Kreiman and Tinsman, Co-chairs; Quirnbach and Ward

**[Senate File 2033](#)**

TRANSPORTATION: Fraise and Ward, Co-chairs; Beall and Zieman

**Senate File 2035**

STATE GOVERNMENT: Ward and Wood, Co-chairs; Danielson and Kettering

**SSB 3016**

APPROPRIATIONS: Ragan and Seymour, Co-chairs; Angelo and Dvorsky

**SSB 3017**

AGRICULTURE: Courtney and Mulder, Co-chairs; Brunkhorst, Fraise, Gaskill, and Hancock

**SSB 3018**

APPROPRIATIONS: Angelo and Warnstadt, Co-chairs; Dvorsky and Kettering

**SSB 3019**

JUDICIARY: Quirnbach and Ward, Co-chairs; Boettger and Kreiman

**SSB 3020**

JUDICIARY: McKibben and Quirnbach, Co-chairs, Schoenjahn and Zaun

**SSB 3021**

EDUCATION: Brunkhorst and Schoenjahn, Co-chairs; Boettger and Wood

**SSB 3022**

COMMERCE: Beall and Kettering, Co-chairs; Rielly and Zaun

**FINAL COMMITTEE REPORT OF BILL ACTION**

**RULES AND ADMINISTRATION**

**Bill Title:** SENATE CONCURRENT RESOLUTION 101 (SSB 3001), a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Gronstal, Iverson, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 2: Angelo and Boettger.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to a standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**WAYS AND MEANS**

Dianna Darold – Iowa Railway Finance Authority